

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GILARDO HEBREO,

Plaintiff,

-against-

JOSE SINCHI, et al.,

Defendants.

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REPORT AND
RECOMMENDATION
CV-03-1190 (DLI)

The Court's docket sheet in this case indicates that there has been no activity since an arbitration hearing was scheduled last November. Docket Entries 14-16. Accordingly, by order dated February 18, 2005, I directed counsel for plaintiff to submit a written report on the status of the case no later than March 4, 2005, and alerted counsel that failure to comply would result in a recommendation that this action be dismissed for failure to prosecute. Docket Entry 17.

Plaintiff's counsel has failed to submit the required status report or otherwise respond to my order. Accordingly, I respectfully recommend that this action be dismissed unless plaintiff's counsel, within the time for filing objections to this report, indicates an intention to pursue this case.

Any objections to this report and recommendation must be filed with the Clerk of the Court, with copies provided to the Honorable Dora L. Irizarry, within ten days of receipt and in any event no later than April 27, 2005. Failure to file timely objections may waive the right to appeal the District Court's order. See 28 U.S.C. §636(b) (1); Fed.R.Civ.P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Services, 892 F.2d 14, 15 (2d Cir. 1989).

/s/

STEVEN M. GOLD
United States Magistrate Judge

Brooklyn, New York
April 6, 2005